

REMARKS

Claims 1 4, 22 and 31 have been amended with this paper, and Claim 29 has been cancelled. Applicant requests reconsideration of the rejections based on the amendments and the remarks provided below.

Rejections under 35 U.S.C. § 102

Claims 1-34 were rejected as being anticipated by *Pogue* (PalmPilot: The Ultimate Guide, ISBN: 1-56592-600-0). *Pogue* teaches the features of a PalmPilot circa 1998, which do not include the novel features disclosed and claimed by Applicant.

Once embodiment claimed by Applicant is, on a handheld computer, the ability to cancel a menu bar without having to select a menu item, or perform an action such as tapping the display area away from the display of the activated menu bar. Other distinguishable features are described below.

Independent Claim 1: Claims 1-21 recite “navigation input to *navigate to the menu bar* of the active first menu”. The specification defines “navigation” and “navigation input” in the following way:

the term “navigate” means to sequentially indicate a series of display objects as selectable in response to a user-input that indicates a direction. Display objects may be indicated as being selectable through color or shading variation, such as created through highlighting the display object. “Navigation input” is user-input for navigating. Display objects may have a visual, sequential arrangement when appearing on the display. Navigation input can make objects in the arrangement selectable according to a sequence defined by the arrangement of display objects. [specification, page 7].

Throughout the analysis of *Pogue*, the Examiner makes reference to input actions for canceling the active menu. Even if the different scenarios described by the Examiner are true, none of the scenarios described by the Examiner are predicated on “navigation input to *navigate to the menu bar*”. Furthermore, *Pogue* simply does not teach navigation input to make a menu bar selectable. As Examiner notes, *Pogue* teaches screen taps, which are not navigation input, unless made in conjunction with a scroll or other navigation feature.

Independent Claim 22: Claim 22, as amended, also recites use of navigation input to place the menu bar in a selectable state. Additionally, Claim 22 provides that a set of actuatable mechanisms are assigned menu functions for operating the menu when the menu is active.

Independent Claim 31: Claims 31-34 recite “process lateral navigation input to cancel activation of the first menu.” The arguments for “navigation input” are repeated again. Applicant further notes the claim recites use of “lateral” which should be construed as left to right input. Additionally, Applicant has amended the claim to recite that the cancellation of the first menu occurs without “activating a second menu.” These features are nowhere recited in the referenced art.

The Office Action makes reference to Chapter 1, page 4 of *Pogue*. As Applicant notes above, this section actually states that tapping away from the menu is how the active menu is cancelled. Consequently, this should not be viewed as navigation input, let alone lateral navigation input.

Applicant thanks the Examiner for providing detailed RESPONSE TO ARGUMENTS section. The reasoning as to the basis of the rejections provided in that section of the response were very helpful, as it provides an opportunity to illustrate the novel features, which may be misinterpreted from the claims. The following point-by-point is provided, using Claim 1 as a basis, although the other claims are equally applicable:

(a) Examiner: “In the palm application, once the menu is displayed, a user can cancel the navigation of a first menu by tapping on the menu bar. For instance, the menu button is tapped, and a menu is displayed on the left top part of the main application screen as a drop down menu. That menu is the drop down menu app once displayed it comprises elements delete, beam, sent etc. Once the menu bar is tapped, only the menu bar appears.”

Applicant: Applicant does not believe the reference teaches the feature of the example provided by the Examiner. Applicant requests that the Examiner recite the page where the example is taught. Additionally, the Examiner has made an example using a button press and a screen tap, neither of which is navigation input. It is Applicant's additional belief that the screen tap would occur away from the active menu, and would not place the menu bar in an active state.

(b) Examiner: “*Pogue* teaches user-interactive feature knows as tapping...The input corresponding to selection is tapping and it is known that tapping cancels the menu, which are the same input method knows as tapping.”

Applicant: The Examiner overlooks the use of navigation input from the claims. Navigation input is not tapping, unless tapping is done with scrolling. Prior to selection, there is “navigation input to navigate to the menu bar of the active first menu”.

(c) Examiner: “Since tapping is a feature that enables users to select input, tapping is but not limited to an actuatable mechanism or a user-interactive feature. Therefore, *Pogue* teaches navigation input, selection input, and selection input of select cancellation of the one or more active sets of menu items.”

Applicant: Given the definition used for “navigation input”, the act of tapping cannot be viewed as navigation input. Tapping by itself (with no scroll feature) is “selection input,” the Examiner states this above. Navigating to the menu bar, then selecting the menu bar is very different than the examples provided.

(d) Examiner: “Therefore the input corresponding to lateral navigation is tapping and in turn tapping cancels the menu.” Applicant reiterates that “lateral navigation” is being misconstrued and contrary to the clear language of the specification.

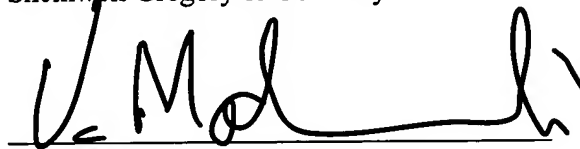
CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that claims 1-7, 10-22, and 25-28, and 30-34 are in condition for allowance. Accordingly, a Notice of Allowance is requested. The Examiner is invited to call the undersigned if there are any issues that remain to be resolved prior to allowance of the claims.

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

Please charge deposit account 50-1914 for any underpayments in connection with this Office Action response.

Respectfully submitted,
Shemwell Gregory & Courtney LLP



Van Mahamedi, Reg. No. 42,828

Date: July 1, 2005

Shemwell Gregory & Courtney LLP
4880 Stevens Creek Blvd., Suite 201
San Jose CA 95129

Certification of Mailing

I hereby certify that this paper, and any other documents referred to as enclosed herein are being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to Box AFTER FINAL, Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450, or being facsimiled transmitted to the USPTO using fax number (703) 872-9306, on the date indicated below


Van Mahamedi

(Name of person transmitting correspondence)